

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

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PAULA F. SOTO,

Plaintiff,

v.

CITY OF CAMBRIDGE,

Defendant.

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C.A. No.13-10822

**DEFENDANT CITY OF CAMBRIDGE'S  
MOTION FOR LEAVE TO FILE AMENDED OPPOSITION**

Pursuant to Local Rule 7.1(b)(3), Defendant City of Cambridge (the “City”) hereby moves this Court for an Order granting it leave to amend its Opposition to Plaintiff Paula F. Soto’s Motion for Summary Judgment. A copy of the proposed Defendant City of Cambridge’s Amended Opposition is attached as Exhibit A (the “Amended Opposition”).

The City seeks to file the Amended Opposition one (1) business day after the deadline solely to insert a single footnote relating to the City reserving its rights to dispute issues of fact at trial that are undisputed only for purposes of the Plaintiff’s Motion for Summary Judgment. See Exhibit A, at p.1, fn. 1.

In the context of amending a pleading, Rule 15 of the Federal Rules of Civil Procedure provides that “[t]he court should freely give leave [to amend the pleadings] when justice so requires.” Fed. R. Civ. P. 15(a)(2). Leave should be denied only in instances where there exists undue delay, bad faith, repeated failure to cure deficiencies, dilatory motive of the requesting party, or if the amendment would be futile. See Nikitine v. Wilmington Trust Co., 715 F.3d 388,

390 (1st Cir. 2013). Here, none of the reasons to deny leave to amend the City's Opposition apply.

Accordingly, the City respectfully moves that the Court grant the Defendant's Motion for Leave to Amend its Opposition.

Defendant,  
CITY OF CAMBRIDGE  
By its Attorney,

/s/ Samuel A. Aylesworth  
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saylesworth@cambridgema.gov

DATED: June 1, 2015

LOCAL RULE 7.1(2) CERTIFICATION

Counsel for the Defendant City of Cambridge (the "City") hereby certifies that he conferred with the attorney for the Plaintiff Paula F. Soto and attempted in good-faith to resolve or narrow the issues presented by the City's Motion.

**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of this document was filed through the Electronic Case Filing (ECF) system and thus copies will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF); paper copies will be mailed to those indicated on the NEF as non-registered participants on or before June 1, 2015.

/s/ Samuel A. Aylesworth